

On April 2, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15721. Adulteration and misbranding of canned lima beans. U. S. v. 98 Cases of Canned Lima Beans, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 22224 to 22232, incl., 22259. I. S. Nos. 14658, 14638. S. Nos. 284, 308.)

On December 3 and December 10, 1927, respectively, the United States attorney for the Southern District of Florida, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 543 cases of canned lima beans, remaining in the original unbroken packages in part at Miami, Fla., and in part at Coconut Grove, Fla., alleging that the article had been shipped by the L. H. Hayward Co., from New Orleans, La., on or about October 10, 1927, and transported from the State of Louisiana into the State of Florida, and charging adulteration with respect to a portion of the article, and adulteration and misbranding with respect to the remainder, in violation of the food and drugs act. A portion of the article was labeled: "Starbright Lima Beans * * * Crescent City Packing Co., Packers, New Orleans, U. S. A. * * *." The remainder of the said article was labeled: "Starbright Baby Lima Beans * * * Crescent City Packing Co. Packers New Orleans, U. S. A."

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

Misbranding was alleged with respect to a portion of the product for the reason that the statement, "Baby Lima Beans," was false and misleading and deceived and misled the purchaser.

On March 9, 1928, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15722. Adulteration of canned salmon. U. S. v. 1740 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21235. I. S. Nos. 10534-x, 10535-x. S. No. W-2014.)

On October 11, 1926, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1740 cases of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by Libby, McNeill & Libby, from Nushagak, Alaska, August 7, 1926, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Libby's Fancy Red Alaska Salmon Packed in Alaska * * * Packed by Libby, McNeill and Libby, Chicago."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On February 9, 1928, Libby, McNeill & Libby, Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that the adulterated portion be separated from the remainder and destroyed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15723. Adulteration of canned cherries. U. S. v. 89 Cartons, et al, of Canned Cherries. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 22184, 22185, 22186. I. S. Nos. 20891-x, 21211-x, 21212-x. S. Nos. 233, 234, 235.)

On November 22, 1927, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 137 cartons and 39 cases of canned cherries, and on November 29, 1927, an amended libel to cover 27 additional cases of the prod-

uct. It was alleged in the libels that the article had been shipped by the Eagle Canning Co., on or about August 9, 1927, in interstate commerce from Fredonia, N. Y., into the State of Pennsylvania, and that having been so transported it remained in the original unbroken packages at Scranton, Pa., and that it was adulterated in violation of the food and drugs act. The article was labeled in part: (Can) "Selmore Brand Red Sour Pitted Cherries * * * Packed by Eagle Canning Co., Inc., Fredonia, N. Y."

It was alleged in substance in the libels that the article consisted in whole or in part of a filthy, decomposed or putrid substance.

On February 2, 1928, the Eagle Canning Co., Inc., Fredonia, N. Y., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds totaling \$1,500, conditioned in part that the good portion be separated from the bad portion and the latter destroyed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15724. Adulteration of black figs. U. S. v. 45 Cases of Black Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22682. I. S. No. 17962-x. S. No. 721.)

On April 2, 1928, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 45 cases of black figs, remaining in the original unbroken packages at Rock Springs, Wyo., alleging that the article had been shipped from the Sunland Sales Cooperative Assoc., Fresno, Calif., on or about October 7, 1927, and had been transported from the State of California into the State of Wyoming, and charging adulteration in violation of the food and drugs act. The article was labeled in part: " * * * Paradise Brand Extra Choice Black Figs, Garcia & Maggini Co., San Francisco, Calif."

It was alleged in the libel that the article was adulterated in that it was composed in part of a decomposed and putrid vegetable substance and was unfit for food.

On April 30, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15725. Adulteration and misbranding of olive oil. U. S. v. 14 Gallon Cans, et al, of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22505. I. S. No. 17474-x. S. No. 620.)

On or about March 3, 1928, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 14 gallon cans and 16 half-gallon cans of olive oil, remaining in the original unbroken packages at Portland, Ore., alleging that the article had been shipped by A. Giurlani and Bros., from San Francisco, Calif., on or about October 20, 1927, and transported from the State of California into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Net Contents One Gallon (or 'Net Contents One-Half Gallon') Marca Campanile Brand Virgin Olio D'Oliva Vergine Soprafinno. Distributors A. Giurlani and Brothers, San Francisco, California. Guaranty Campanile Olive Oil is guaranteed to be absolutely pure."

It was alleged in the libel that the article was adulterated in that cottonseed oil had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the statements, "Virgin Olio d'Oliva Vergine Soprafinno," "Campanile Olive Oil is guaranteed to be absolutely pure," "Net Contents one gallon," "Net Contents one-half gallon," borne on the labels, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.